

# Exhibit B

VOL: I  
PAGES: 1-201  
EXHIBITS: 1-7

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

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SHEILA J. PORTER, \*  
Plaintiff \*  
-vs- \* Civil Action  
ANDREA CABRAL, SUFFOLK COUNTY \* No. 04-11935-DPW  
SHERIFF'S DEPARTMENT; SUFFOLK \*  
COUNTY and CORRECTIONAL MEDICAL \*  
SERVICES, INC., \*  
Defendants \*  
\*\*\*\*\*

DEPOSITION OF ANDREA CABRAL, ESQUIRE, a witness  
called on behalf of the Plaintiff, in the  
above-captioned matter, said deposition being  
taken pursuant to the Federal Rules of  
Civil Procedure, before Patricia M.  
McLaughlin, a Certified Shorthand Reporter and  
Notary Public in and for the Commonwealth of  
Massachusetts, at the offices of Goodwin Procter  
LLP, Exchange Place, Boston, Massachusetts, on  
Friday, May 6, 2005, commencing at 9:40 a.m.

McLAUGHLIN & ASSOCIATES COURT REPORTERS  
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APPEARANCES:

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On behalf of the Defendants,  
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Sheriff's Department and Suffolk  
County

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On behalf of the Defendant,  
Correctional Medical Services, Inc.

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1 contained in S220 if it's contained anywhere?

2 A If it's contained anywhere, yes.

3 Q And you indicated to us that there has now

4 been a modification of S220 that addresses

5 that issue differently?

6 A That clarifies that issue, yes.

7 Q And again, what needed to be clarified was

8 what? What is not clear here that is now

9 clear in your view under the new

10 soon-to-be-issued policy?

11 A Well, I start by saying that I don't believe

12 that the previous policy was unclear, but at

13 the suggestion of AUSA Huggard, we agreed to

14 add language that indicates that employees

15 are permitted certainly to report -- I

16 believe the words are suspected illegal or

17 criminal activity to outside law enforcement

18 agencies, along with the commensurate

19 responsibility to report them internally.

20 Q And the entirety of that new policy is

21 consistent with the recommendations, as you

22 understand it, from Mr. Huggard?

23 A I believe so.

24 Q He was focused both on the fact that there

42

1 should be reporting to outside agencies and

2 also mandatory reporting to internal

3 investigators as well?

4 MS. CAULO: Objection.

5 A No, he was focused on reporting to the FBI.

6 Q And policy or not policy, I mean you've

7 always understood, I presume, particularly

8 given your background, that there is a First

9 Amendment right to speak, right?

10 A Yes.

11 Q And that the First Amendment right would

12 encompass anyone's right to speak to the FBI

13 or to whomever else they wanted?

14 A I assume so, yes.

15 Q And I'm just saying obvious stuff here.

16 That's a long well-established right that

17 you're personally completely familiar with,

18 right?

19 MS. CAULO: Objection.

20 A I'm familiar with the First Amendment.

21 Q And you're familiar that that's a right that

22 encompasses a right to speak to outside

23 agencies, including the FBI?

24 MS. CAULO: Objection.

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1 A Yes, it encompasses the right to speak, and I

2 assume that would include speaking to anyone

3 in outside law enforcement.

4 Q Do you know an individual, a former inmate or

5 maybe a present inmate, named Rene Rosario?

6 A I know of him. I don't know him personally.

7 Q Have you ever met him?

8 A No.

9 Q Have you ever seen him?

10 A No.

11 Q Do you know when you first came to know of

12 him?

13 A He was first mentioned to me shortly after I

14 became sheriff, and he was identified to me

15 as an inmate who had worn an electronic

16 recording device inside the institution.

17 Q Do you remember how long you had been sheriff

18 when you learned that?

19 A My memory is that it was within the first

20 month or so.

21 Q Do you remember who you learned that from?

22 A I believe I learned it from former SID chief,

23 Richie DeMeo.

24 Q What was the context in which he's bringing

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1 this past cooperation of the inmate with the

2 FBI to your attention?

3 MS. CAULO: Objection.

4 MR. SAVAGE: What's the basis for the

5 objection?

6 MS. CAULO: Read back the question,

7 because I thought you said something I wasn't

8 accepting as a fact that had been

9 established.

10 MR. SAVAGE: I just need to hear it so I

11 can fix it.

12 (Reporter read question as recorded.)

13 MS. CAULO: I wasn't sure that you had

14 established that the answer had previously

15 established that the wearing of the recording

16 device was at the behest of or with of FBI.

17 Q We'll do it in pieces. Did I understand you

18 to say that -- is it Officer DeMeo?

19 A He was the chief of SID.

20 Q That Chief DeMeo was explaining to you that

21 Inmate Rosario had cooperated by wearing a

22 wire at the request of the FBI?

23 A I don't recall exactly what he said, but I

24 certainly came away with the understanding